REMARKS

At the outset, applicants and their attorneys wish to thank the Examiner for the courtesy at the recent interview. The Examiner's careful attention to the application on that occasion and during subsequent discussions, is greatly appreciated.

Basic claims 1 and 12 have been amended herewith as proposed at the interview, and as suggested during subsequent discussions, to emphasize that the sensitive member 52 contacts a flexible portion of the flexible diaphragm 38 and moves into and out of contact with that flexible portion, upon the assembly of the device and calibration of the device.

This is set forth on page 8 of our specification, beginning in line 7. As is there pointed out, the sensitive member or load transmitter 52 is backed off upon assembly of the device so as to prevent accidental overloading of the load sensor 26 when the cassette 18 is mounted.

Then, for initial calibration, the sensitive member 52 is advanced toward and into contact with the external face 42 of the membrane 38. As is pointed out in lines 18-20 of page 8 of our specification, the sensitive member slightly deforms the membrane 38 at this time.

This is totally impossible with the arrangement of DOLECEK et al. 6,280,406; and for this reason, it is believed that the claims as amended are clearly patentable over DOLECEK et al., whether under 35 USC §102 or 35 USC §103.

In DOLECEK et al.'s Figures 7 and 8, to which reference is had in the final rejection, it is clear that the member 240 cannot perform any function like the member 52 of the present invention, nor can the diaphragm function as the diaphragm of the present invention, for the reasons pointed out above.

At the interview, however, a question arose as to Figure 4 of DOLECEK et al. In Figure 4 of DOLECEK et al., a separation is indeed possible, between the member 122 fixedly secured to the diaphragm 130, and the member 120 which is movable in a plane perpendicular to the diaphragm.

But to see why this separation is inapplicable to the separation between the diaphragm 38 of the present invention and the sensitive member 52 of the present invention, one must read column 7 of DOLECECK et al. beginning in line 10 thereof.

Beginning there, it will be seen that the disk 122 is fixedly attached to the diaphragm 130. Skipping down to line 26, we see the disk 122 allows the surface of diaphragm 130 to be removably attached to the sensor. Thus, the cassette assembly 18 can be detached from the reusable components, including member 120, and discarded after a single use.

Now skipping down to line 43, we see that, instead of 122 being a ferromagnetic disk and 120 a magnet, the reverse arrangement can be used, in which 122 is the magnet and 120 serves as the ferromagnetic disk. Of course, this changes nothing structurally.

Thus, it is impossible, with DOLECEK et al.'s Figure 4, to achieve the two advantages offered by the construction of the present invention, as set forth on page 8 of our specification, namely:

1. Our sensitive member 52 of Figure 3 can be backed off so that accidental overloading of the load sensor 26 is aborted when the cassette 18 is mounted; and

2. For initial calibration, the sensitive member 52 can be advanced toward and into contact with the membrane 38. At this time, as is pointed out on our page 8, line 19, the membrane 38 is slightly deformed.

To make this relationship clear, we are amending claims 1 and 12 to point out that the sensitive member 52 and the external face of the diaphragm 38 are free to come into and out of contact with each other. So as to make a further distinction over DOLECEK et al.'s Figure 4, we are specifying that it is a flexible portion of the external face of the diaphragm which thus comes into contact with 52.

These provisions are well supported in our disclosure: on page 6, lines 36 and 37, we point out that our closure member 38 is a flexible membrane. On page 7, lines 6 and 7, we point out that the whole membrane 38 is capable of being elastically deformed along a deformation axis A-A. The mentioned operation and slight deformation of the membrane 38 is recited on page 8 of our specification as previously discussed; and to make it plain

that it is a flexible portion of the external surface of the membrane 38 that is contacted by 52, we have inserted this at page 8, line 16 of our specification. Support for this is clearly shown in Figure 3 of our drawings.

None of this raises a new issue that would require substantial further consideration or a further search: we clearly brought out this arrangement and operation in the final lines both of claim 1 and of claim 12. We are now only making those recitations more specific in a structural sense.

In view of the recent interview and the present amendment and the foregoing remarks, therefore, it is believed that this application has been placed in condition for allowance, and reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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